REMARKS

Claims 1-11 and 23-29 are pending in the application.

Claims 1-11 and 24-29 are rejected.

Reconsideration and allowance of claims 1-11 and 23-29 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §103

Claims 1-11 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin et al (U.S. Publication No. 2002/0161924) (Perrin) in view of Crawford (U.S. Patent No. 6,486,791) (Crawford). This rejection is not applicable to the claims.

Independent claims 1 recites: "...a device for communicating a packet, the device including a plurality of sets of indicators associated with a connection interface, the indicators being activated in response to detected protocols associated with the interface, each set of indicators being in a different platform layer and each indicator in each set being associated with a different protocol operating within its respective layer; and whereby, in response to a packet being communicated with the device, one or more protocols associated with the packet being detected and the detected protocol activating a respective indicator in a respective layer."

Independent claim 10 recites: "...providing a device for communicating a packet, the device including a plurality of sets of indicators associated with a connection interface, the indicators being activated in response to detected protocols associated with the interface; providing each set of indicators in a different platform layer, each indicator in each set being associated with a different protocol operating within its respective layer; and whereby, in response to a packet being communicated with the device, one or more protocols associated with the packet being detected and the detected protocol activating a respective indicator in a respective layer."

In the Office Action dated 12/12/2006, the above claims were rejected as being unpatentable over Perrin with the following argument:

> "...Regarding claim 1, Perrin discloses a system comprising: device for communicating a packet, the device including a plurality of set of indicators with connection interface, the indicators being activated in response to detected activities (see paragraph 0045). Perrin further discloses interfacing the router with a plurality of protocols (see paragraph 0043). The precise number of LEDs and their placement on the router 10 are not limiting to the present invention, and more or less LEDs or other optical and/or audible devices may be employed to provide the user with more or less operational or performance feedback (see paragraph 004). Perrin fails to explicitly disclose that each set of indicators being in a different platform layer and each indicator being associated with a different protocol..."

The Office Action then went on to state "...it would have been obvious to one having ordinary skill in the art at the time of invention was made provides the a set LEDs at each port of the router and activating each LED to indicated the type of protocol in order to provides the network administrator with ability of visualize the type of protocols the network node is receiving..."

In the Response filed on January 19, 2007 in response to the Office Action dated December 12, 2006, Applicants argued that Perrin did not disclose a plurality of sets of indicators associated with a connection interface that are activated in response to detected protocols associated with the interface, each set of indicators being associated with a different protocol such that in response to a packet being communicated, one or more protocols associated with the packet are detected and that detected protocol activates a respective indicator. Applicants went on to explain that Perrin includes LEDs that function to indicate network traffic and router communication, but there was no teaching or suggestion that the LEDs were activated in response to detected protocols, nor was there disclosed sets of indicators associated with a connection interface and in different platform layers such that each indicator in the set is associated with a different protocol operating within its respective layer.

In the Advisory Action sent February 12, 2007, it was indicated that the Response filed on January 19, 2007 had not put the application in condition for allowance.

A Pre-Appeal Brief Request For Review was filed on March 6, 2007 with basically the same argument as set forth in the Response filed on January 19, 2007, and a Notice of Panel Decision from Pre-Appeal Brief Review sent on May 23, 2007 indicated that the rejection was withdrawn and the prosecution was reopened, resulting in the present Office Action.

As the PTO recognizes in MPEP §2142:

> The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons:

35 U.S.C. §103(a) provides that:

> [a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, the references, alone, or in any combination, do not teach a device

for communicating a packet and including indicators that are activated in response to detected protocols associated with a connection interface, with each set of indicators being in a different platform layer and each indicator in each set being associated with a different protocol operating within its respective layer.

The present Office Action copies the previous argument with respect to Perrin, indented and quoted above from the Office Action dated December 12, 2006, and then adds the following:

> "...Crawford discloses an array of light emitting diodes (LEDs) are used for visual indication of the status of the monitored repeater, where the network administrator can determine whether a particular conditions exist on the repeater and the status may includes many types (see [0003] and [0011])..."

Applicants position on Perrin has not changed since the Pre-Appeal Brief Request for Review filed on March 6, 2007, which resulted in the withdrawal of the rejection raised in the Office Action dated December 12, 2006 (the argument of which is repeated in the present Office Action) and the reopening of prosecution. Applicants respectfully submit that Crawford does not remedy the deficiencies of Perrin. As Crawford is indexed by column and line numbers, rather than paragraph numbers, the reference to [0003] and [0011] of Crawford provides no indication as to where exactly in Crawford the quoted material is disclosed. However, after review of the Crawford disclosure in its entirety, Applicants respectfully submit that Crawford merely discloses a system and method to drive a visual status indicator. The disclosure states "...In many cases, each LED in the array is dedicated to presenting information about a particular status condition on a particular repeater port. The network administrator can determine whether a particular status condition exists on a repeater port by observing whether the corresponding LED in the array is illuminated..." (column 1, lines 24-29), "...The repeater 108 also includes...an LED array, that provides a visual indication of various status conditions monitored by the repeater 108..." (column 2, lines 3-6), "...Examples of types of status conditions monitored for individual ports include the standard LINK, PARTITION, ISOLATE, PORT ENABLED, and COLLISION conditions. In some cases, the repeater also monitors status conditions that do not apply to particular ports, but rather apply to the repeater as a whole. Examples of conditions monitored for the repeater as a whole include the RPS FAULT, GLOBAL SECURITY, GLOBAL FAULT, and GLOBAL COLLISION conditions..." (column 2, lines 15-23). Crawford suffers from the same deficiencies that were argued against Perrin in the Pre-Appeal Brief Request for Review filed March 6, 2007, as the indicators of Crawford merely provide status indications to indicate various status conditions. Crawford fails to teach or suggest that the indicators may be activated in response to detected protocols, or that the sets of indicators are associated with a connection interface and are in different platform layers such that each indicator in the set is associated with

a different protocol operating within its respective layer. Examiner argues that "...Both Perrin and Crawford disclose that LEDs are used for many types of visual indications in repeaters/switches/routers, where the administrator can determine whether a particular conditions exist on the repeater or providing the user with operational or performance feedback..." Applicants respectfully submit that it is not enough for the references to disclose that LEDs are used for many types of visual indications. As stated in the background of the present disclosure, "...a communications device may include support for more than one protocol. The challenge for users of such a device is determining the protocol or protocols being used at a given time to identify and resolve communication issues..." (page 1, lines 12-15). By merely disclosing LEDs that provide indications of status conditions, the references, alone or in any combination, do not teach or suggest a system or method to determine and indicate the protocols being used by a device.

Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. As a result, the USPTO's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to the claims, and a rejection under 35 U.S.C. §103(a) is not applicable.

Therefore, independent claims 1 and 10 and their respective dependent claims are submitted to be allowable and, as such, the allowance of claims 1-11 and 24-29 is respectfully requested.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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